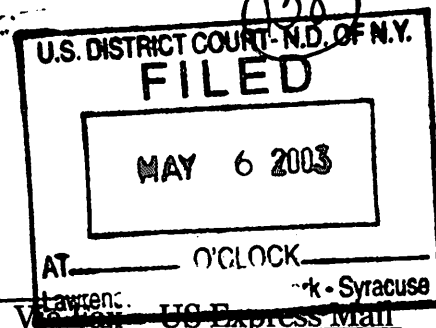


May 5, 2003

Hon. Neal P. McCurn
Senior U.S. District Judge
N.D. of N.Y.
Syracuse, N.Y.

MAY - 6 2003

RECEIVED



5:00 CV 869 (NPM)

Judge Neal P. McCurn
PO Box 7365
100 South Clinton Street
Syracuse, NY 13261-7365

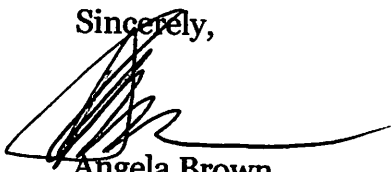
Re: Cassette Tape & Transcript of Interview with Dr. Ragle

Dear Honorable Judge McCurn:

Pursuant to the above referenced matter, please find enclosed said materials to be attached to previously file motion via Jaime A. Davidson entitled: PETITIONER'S SECOND URGENT MOTION/NOTICE FOR THE RECORD TO REFLECT, DUE TO EXCEPTIONAL CIRCUMSTANCES, IN SUPPORT OF PETITIONER'S "MOTION FOR NEW TRIAL..." AND REQUEST FOR AN EVIDENTIARY HEARING, TO PREVENT ANY FURTHER MISCARRIAGE OF JUSTICE OF A PRISONER WHO'S ACTUALLY (FACTUALLY) INNOCENT

Said materials should be received as "Exhibit-J." It is our common business practice to record conversations for the purpose of keeping an accurate account of our work when deemed necessary. Said recordings are reflective of such purposes. If you have any questions, please feel free to contact our office.

Sincerely,


Angela Brown
Executive Director

Youth Task Force
P.O. Box 11078
Atlanta, GA 30310
404.752.TASK (8275)
404.752.8276 fax
YTF@mindspring.com

Present: Ms. Brown, Dr. Rigle, and Dr. Goldberg

Rigle: Hello, hello

Goldberg: Dr. Rigle, how are you?

Rigle: Hi, sorry to keep you waiting

Goldberg: feeling better, how's your flu?

Rigle: oh, much better, now works catching up to me

Goldberg: (laughs)

Rigle: Let me ask you a quick question before we get started

(Discussion of medical matter not related to Wallie Howard)

Goldberg: I want you to know Angela brown is on the line with you

Rigle: Hello Angela Brown pleasure to meet you over the phone

Angela: Likewise

Goldberg: I guess those are the parties involved in this interview

Rigle: Ok

Goldberg: And what we would like to do is get your take on how things, first of all when did you start in Syracuse and how do you feel it went? I mean we, you and I talked about it the other day. Any part of that you want to include that's fine I'll let you lead it.

Rigle: What, well I started here in uh let's see, 1990 let's see I did my forensic training in 89 I guess it was May of '90 which is not very soon after this actually happened right

Goldberg: Right

Rigle: Uh, what it was in October 31st of 90

Goldberg: You had finished your fellowship

Rigle: Yeah, in Baltimore

Goldberg: Right, and then you came up to

Rigle: Up to Syracuse here to work with, uh Dr. Mitchell

Goldberg: Ok, and you got a call in this case

Rigle: Well, I was I was on duty that day. There was three pathologist, uh. The other one was Humphrey Germaniack.

Goldberg: Un-huh.

Rigle: I don't know if you spoke to him or not.

Goldberg: Not yet.

Rigle: You probably should. He was at the scene with me.

Un.
Rigle: Uh, it was one of those deals when this came in. Uh, we had a switch over time uh, because the three of us rotated and I believe it was like 4 or 5 o'clock in the afternoon which we switch schedules and I think this scene was called right about then and Humphrey said it, 'Uh, I'll take a ride out there with you.' And uh, I don't know if he has any independent notes or recollection of uh the scene, which uh, seems to be uh one of your areas your highlighting in your report.

Goldberg: Un-huh

Rigle: Uh, I don't have a current number for him uh. He was, let's say, he was in, uh, uh, let's see, from Syracuse he went to Washington, DC and he spent, he did spend a short stint there as the chief. And from there he went to somewhere in um Ohio, a small, a small, a small uh comers office. There's ah, there's ah head of a town there that makes heavy equipment

Goldberg: Gallon

Rigle: Uh, that might be it. What was it again?

Goldberg: Gallon

Rigle: No, no. No, it like Baryon or

Goldberg: Oh, ok.

Rigle: They make like drag line. I don't know if you know what drag line is, but its one uh of these things that they surface things for coal.

Goldberg: Un hu

Rigle: And uh anyway that's that the point of my introduction. But you can probably track him though through the uh Locator Physician Registry.

Goldberg: Sure.

Rigle: But his name is he is in the Delbert Ward case. You may have heard about that. They did a movie on it.

Goldberg: Un-huh

Rigle: Uh, it was about three brothers. Four brothers. One of one was believed to have possible strangled or, suffocated his uh other brother uh during the night they all sleep together in the same bed. Lived on a uh lived on a farm and uh saw very little of what most people would consider normal society.

Goldberg: Sure. Alright. Well, we'll track him. Why don't you go on.

Rigle: Ok, well

Goldberg: We got that.

Rigle: Ok. Well we're going basically just now from my general recall.

Goldberg: Of course.

Rigle: I did look through some of this material um. Um, Um. I did not find it very helpful to jog my memory, uh, one thing I found of interest is the transcript this tape of, of the incident.

Goldberg: Yes.

Rigle: There's a hell of a lot of, of missing portions where it was inaudible or too much background noise couldn't understand what was going on. Seems like an off-a-lot of inaudibles.

Goldberg: Yes. But did you see the one where it says, uh about, uh, Wallie Howard being killed.

Rigle: Uh, no. You want to point me to a particular page?

Goldberg: Angela.

Angela: It's the last page.

Rigle: Last page?

Angela: Sorry, second, second to the last page. I'm not sure which copy you got, because

Rigle: Last page, "Hey motherfuckers," it must be before that.

Angela: um, Actually, yeah, um.

Rigle: Ok, you don't know what time it is.

Angela: Yeah.

Rigle: "You no what the fuck's up uh, open up the trunk. Tell me where the money is. What money hey, hey, hey don't shoot. Open up the door man
gun shot care tire squealing, government consults with to strike or something like that.

Angela: Um uh

Rigle: There's something handwritten in there.

Angela: Yeah, Kate wrote that.

Rigle: What?

Angela: Kate Rosenthal wrote that

Rigle: Ok., uh. So anyway I started here um around 1990 like I said before this incident it was Mike's day on the call to cover scene investigation and autopsy the following day. And uh I just really remember going up to the scene at Mario's market there, uh, and uh, I guess I had somehow thought the body was somehow still in the vehicle when I got there but apparently he was he had been removed. Uh, though looking through my notes.

Goldberg: So you never saw him in that position?

Rigle: Uh, nope, apar, no, no, I guess what I was recounting was uh, you know having reviewed reports. This was a long time ago, and uh, from memory it's hard to decipher what've read versus what you actually saw. You know?

Goldberg: Yeah

Rigle: So he was not in the vehicle because I did a, I did a brief scene description here. Uh, which I'm sure. You've seen that right Angela?

Angela: Um, I'm not sure.

Rigle: Ok, see the observations it says, it says uh, it says uh, I dictated this uh

Angela: Was it in the notebook

Rigle: Uh, I really don't have a notebook. This was taken apart.

Angela: Oh, sorry, yeah.

Goldberg: Is it your direction to have a body removed. Uh, I know that in the scenes that I've been to they don't remove the body till you get there.

Rigle: Well, if , if the person is knowing to be dead, you are suppose to leave them where they're at. If there's a question of survival, which clearly there had to be in this case because, uh, they were able to get at least his heart and lungs uh, working I forget for a period. It may have been functionally brain dead but uh, where were signs of life, so routinely they would have uh,

Goldberg: Taken him out.

Case 5:00-cv-00869-DAM Document 188-1 Filed 05/06/13 Page 5 of 7
respiration rate but, he had a palpable pulse of a 100 and 118 so, uh, yeah, he was, it would not have been inappropriate for them to resuscitate him. Remove him from the vehicle and resuscitate him.

Goldberg: Ok. What do you remember about the autopsy?

Rigle: Oh that?

Goldberg: What do you remember about the autopsy?

Rigle: Well I think it's pretty consistent with what I had remembered the entrance wound

Goldberg: Ok.

Rigle: Uh, it was the back of the head. It was atypical, uh, I was believe it was a little bit to the left of the posterior midline.

Goldberg: Have you ever seen a key whole wound?

Rigle: Sure.

Goldberg: Is it a key whole as well?

Rigle: No. No.

Goldberg: Ok.

Rigle: A key whole, uh, you would have to have a second entrance to explain the uh bullet lodged in his cheek.

Goldberg: How do you see that?

Rigle: What most key wholes I've seen are a combined entrance exit wounds right?

Goldberg: I see. Oh I'm referring to the key whole as something as a, as a um acute angle, less than 10 degrees where the bullet could have been spinning where you get a difference in the size of the wound in one area versus another.

Rigle: Yeah, um

Goldberg: You got the abrasion ring

Rigle: And a very wide abrasion ring on the inferior margin

Goldberg: Right, that's consistent with a key whole.

Rigle: Uh, see the way I've seen key wholes described is where you have a combined uh entrance, exit wound and a bony surface and no projectile to cover it, so it's almost like a the bullet skips off the bone.

Goldberg: Yeah, so what you're talking about is a double bevel.

Rigle: Yeah, Yeah you got —on one side and believing out on the other side with no projectile

Goldberg: And you didn't see that

Rigle: No, there clearly was uh, uh the beveling was clearly inward

Goldberg: Ok.

Rigle: Yeah, I found, no inconsistencies with the uh, with the uh, projectory uh

Goldberg: Ok. We were talking about Wallie Howard's position, if the bullet in fact came from the right side of that car, how much of a turn, from the I guess orientation of the car would he of had to of been able to do?

Rigle: Let me look at my diagram here. I have my nurse here helping me find stuff and it's harder. Uh, I have a body diagram attached one of these drew some pictures of. Yeah, it's in here somewhere.

Rigle:

Uh, that would be g

Goldberg:

856

Rigle:

856

Goldberg:

234

Rigle:

234

Goldberg:

7134

Rigle:

7134

Goldberg:

You can, uh, tell him I give you the number.

Rigle:

I appreciate that.

Goldberg:

Ok

Rigle:

Uh, let's see, uh, yeah, ok, uh, here it is. Alright, alright, what was your question now? If the shot came from the right side?

Goldberg:

What kind of an angle would it, to me he would have had to been Linda Blare to get the kind of angle for this to have come from the right side door.

Rigle:

Front door?

Goldberg:

I would think rear passenger door but, uh upper right quadrant

Rigle:

He'd have to have his head severally rotated to the left, that's for sure.

Goldberg:

All I'm saying, he would have to. I thought he would have had to be turning to the uh driver side rear pillar. In other words the uh link between the roof and the back of the finder.

Rigle:

Right, sure, but his trunk could have been rotated in addition to his head.

Goldberg:

Yes, but he wouldn't of been found in the position he was found in had that happened. He would of, as we discussed Friday, he would have dropped right.

Rigle;

Do we have a clear description of how he was found?

Goldberg:

We have photographs and a description

Rigle:

Alright, cause I uh. Did they actually, actually take a photograph before they removed him from the vehicle?

Goldberg:

I believe they did. There is also a photograph of him in the newspaper, showing that he was wedged

Rigle:

Oh yeah, the newspaper, uh, yeah that diagram I uh

Goldberg:

Well that's a newspaper diagram not a photograph.

Rigle:

Right

Goldberg

This was actually a photograph and to, to even reinforce it, his .380, uh his .380 Walther

Rigle:

Right

Goldberg:

was next to his right foot in the right passenger foot well. Near the hand.

Rigle:

Uh-huh. Determination of the subject head is to the right side of his face, but the serene diagram in the paper, this is clearly has to be wrong.

Rigle: The only way would I think I could imagine that he'd have to be extremely rotated to the left.

Goldberg: That's correct, I agree with you there.

Rigle: I mean he would be extreme, I mean almost have to have his feet, uh I mean he would have to be rotated about as far as it is possible.

Goldberg: Exactly right. As far as he could and if he was hit there he would have dropped like a rock.

Rigle: Yeah, I would not have expected any movement after, uh, anything except uh, involuntary action, perhaps.

Goldberg: Complete relaxation, boom

Rigle: Right

Goldberg: Angela any questions?

Angela: Um, I guess it would be helpful if you all would talk about the uh, removal of the bullet.

Goldberg: Ok doc., why don't I let you talk about going into the head for us.

Rigle: Well, the way I remember this, uh identify the entrance wound, uh took off the calvarium and uh, uh followed the wound track, went through the the posterior portion of the pons cerebellum uh, took out the brain, uh, followed the uh, wound track to petrous ridge on the right and then uh, I, I of tunneled up, uh, I, uh, know that there's an x-ray, should be, should be an x-ray or two available. I don't know if you were provided those to look at. Uh, I, I, I, I, I don't think there's ever been a case where I have not x-rayed head shots or probably any other gun shot wound for that matter. But head shots, clearly on a homicide without a doubt. And uh so what I did to uh, retrieve the bullet for cosmetic purposes, uh, uh, you can actually palpate it where it was, uh. And then I

Goldberg: So a visible swelling was there?

Rigle: What's that?

Goldberg: A visible edema in the face was there?

Rigle: Yes, Yes, Yeah, there was swelling whether what that was do to just uh expansion and disruption of tissue or, uh vital response, um, I don't know because I didn't do micros, but then again uh, he was a he was a organ donor wasn't he? Yeah, he went through surgery and uh, he was a organ donor so edema, edema certainly could have developed.

Goldberg: Sure.

Rigle: And of, so I tunneled up through the uh, uh, through the neck in order to uh, get to that part of this of, to get to where the bullet was, as I remember. It was right around the zygoma.

Goldberg: Ok. So it would have been quite prominent given the fact that it was on the cheek bone.

Rigle: Yeah, let me just see here. There's an x-ray on the hospital portable frontal lateral with skull rotate. Numerous metallic bullet fragments are superimposed over the right side of the skull in the soft tissue there's a fracture of the right temporal bone, right temporal skull fracture, multiple metallic fragments

Goldberg: Describe the bullet. Was it mushroomed, is it a jacketed, hollow point, what kind of bullet was it?

Rigle: It was, uh jacketed.

Goldberg: Ok.

Rigle: Uh.

Goldberg: Do you know what ammunition Syracuse PD carried?

Rigle: Back then no, I think they're all using .9mm now.

Goldberg:

They switched over. They, they at one time they were all using uh, .38's. I'm not sure.

Rigle:

Goldberg: .357s or .38s.

Rigle: .357's no sorry .380's. Let me see here, he was sitting in the passenger Dr., you know what we are going, some of the information, while I sog off, so of the material that you sent me, uh, Pratt talks about, issuing, uh the gun actually to Howard and what the weapon was.

Goldberg: Yeah, well he had a Walther .380

Rigle: Ok. Uh, I do remember I, I am not sure if it was it after this incident where then went, I have not been here that long, that, um I remember them uh, going to .9mm. subsequently. By the way, I spoke to a investigator who, uh doesn't know Pratt personally, but uh, had nothing but good things to say about the guy.

Goldberg: Yeah, I've heard that my self.

Angela: Um, I have a question about whether or not there were actual. Was he, where there fragments still lodged in his head when he was buried?

Rigle: There are always are tiny fragments that you can't get out. I mean the uh, cooper jackets separates from the lead core and what I got out was uh, one big piece of uh, what looked like the uh, majority of it and a smaller fragment. But, uh, I don't know what the weight was, uh. There are always tiny shaving that you just can't get out of the tissues because they have been buried in there very, very, firmly, and the fact that I was tunneling up through the neck makes it a lot more difficult. But where there any big pieces left, no

Goldberg: And you got a jacket and a core?

Rigle: A jacket, a core, and a small fragment

Goldberg: Ok. Anything else that you need Angela

Angela: Um, is there. The autopsy you did Dr. Rigle, um, said that the direction of the bullet, um, showed no sign of um, abrasions and um, and that it was, I interpreted it to be that it was a, not short distance, but that it was a long, long range.

Rigle: Well, there was no evidence of uh gun power or, or uh stippling, but that does not put a weapon out that far

Goldberg: right that's three feet.

Rigle: Yeah. And, and if there was an intermediatary target associated with this that, yeah that would

Goldberg: Did you notice any glass on Wallie Howard? Did you notice any glass in the bullet or any wound track?

Rigle: Uh, no I don't believe there were any, uh, any secondary projectiles.

Angela: In um, the autopsy said that the bullet came from the left.

Rigle: Uh, Left to right, uh, back to front,

Angela: slightly downward

Rigle: and slightly downward, yes.

Telephone rings

Goldberg: I know you have enough. Are you there.

Angela: uh-huh

Goldberg: Ok. Do you have anything else to deal with?

Angela: What do you mean?

Angela: I don't think so.

Rigle: Ok, sorry about that. Where were we?

Angela: Well, I guess my, my only other question, um is if the perpetrator was on Howard's right side, which according to the recording he was because he tapped on the window with the butt of the gun.

Rigle: Ok.

Angela: Um, and assuming based on what the federal trial showed, uh, he didn't leave that position, uh, but yet, you're saying that the, that the bullet did enter left.

Rigle: Well, yeah, that's what my report, I, I mean I testified I think six or seven times on this and I'm sure I looked at the photographs before I testified I, I, don't think I, I don't think I could have screwed that up too. (laughingly).

Goldberg: No, I think what you testified to was he was turned. It was consistent. All you where asked was is it consistent if he turned around. You said yes.

Rigle: Right

Goldberg: Well given that fact and given what we've talked about,

Rigle: Right

Goldberg: Uh, I don't think it is. Consistent. Because you didn't know what position he was in. And we're telling you based on the stuff that's in the newspaper he wasn't in that position.

Rigle: Well, could it be consistent with him being heavily rotated to the left?

Goldberg: It could be, absolutely. But we know he wasn't in that position. That he wasn't rotated to the left.

Rigle: But how do we know that?

Goldberg: We know that from photographs.

Rigle: Are they reliable?

Goldberg: What?

Rigle: I mean, I don't consider this newspaper reliable, do you?

Goldberg: Well, I am, I know I saw a picture of a man in a car facing frontward, sluffed into a corner between the right passenger driver side door and the right seat, right passenger seat, front passenger seat. I saw that photograph. If that's the position he was in when he was shot, then that bullet came from the left side of the car.

Rigle: I, I don't have that photograph.

Goldberg: I understand that. I will send it to you somewhere we have it. Cause I know I have seen it.

Rigle: That I was, I don't believe I was ever made aware of the fact that

Goldberg: I don't think you were and that's what the problem is in this case.

Rigle: I mean, I mean that, that, in fact that never came up even in any of the testimony as an exhibit.

Goldberg: I understand that

Angela: Absolutely not, and I think the other thing is that um, in all of the testimony, in the majority of the testimony, the trial transcript that I read what was asked of you was to assume that if a person was in this position

Rigle: Right

Goldberg: See, I would have need with the same way you would did. If I was as those questions. The problem is, I've seen that photograph

Rigle: Right.

Angela: Were you ever um, at all uncomfortable with this?

Rigle: Not based upon what I was told.

Goldberg: Ok

Angela: Ok

Goldberg: Do you have any discomfort now?

Rigle: Well I sure as hell would like to see that photo, I mean, I

Goldberg: I'm, I'm going to send it to you

Rigle: I uh

Goldberg: I know I've seen it. I know it's there. I just I'm going to tell you we'll send it to you

Rigle: I can tell you one thing, one thing, that clearly makes me uncomfortable is if there's accuracy, uh, to this, uh diagram for the newspaper if they're claiming this is accurate, this is not what happened

Goldberg: I agree with you. That's what's got me very interested in this case. It doesn't fit.

Rigle: I mean the bullet would be in his left check.

Goldberg: I agree with you

Rigle: Would have gone out of the left side of his head or out of his left eye, um, I can't put a lot of weight on the margin of abrasion being inferior, I mean uh, uh, What?

Goldberg: I said it still talks to the fact that if it's coming from the left its an acute angle

Rigle: Yeah, oh yeah, definitely an acute angle though it has a heavy margin on one side.

Goldberg: Agreed. There you go

Rigle: And-I, I, I think that's why I describe it as a atypical wound

Goldberg: Yes, that's why I'm saying what I'm saying. I'm saying we have an acute angle wound going in from the left to the right and it doesn't make sense unless he was Linda Blair that that neck would have been in that position at that time when he's got somebody tapping on the right window and that's where his gun is found and that's where the photograph shows he is. So that's my problem with this case

Rigle: Yeah

Angela: The alleged shooter, I've talked to him, and he said he remembers, um Wallie Howard firing.

Goldberg: He's also a 16 year old who remembers actually seeing the swelling in his check.

Angela: Right. He saw his whole head swell up. That's how he described it.

Goldberg: He also admits to firing a gun. I'm not sure he hit Wallie Howard, given what we have.

Rigle: Uh-huh, well what's your concern (? not clear) on this Angela

Angela: Um, I run a non-profit organization

Rigle:

Um-hum

Angela:

Case 5:00-cv-00869-DMM Document 138 Filed 05/06/03 Page 11 of 17
Um, that look's at human rights violations um in various sectors from the environment, () and we do some prison work. Um, we rarely look at cases because there are so many of them um but in this particular one we did end up looking at it.

Rigle:

Ok, and what stage are you at here? Are you trying to get some kind of court to do something with this or?

Angela:

I think that there needs to be at least a new hearing

Goldberg:

A new trial

Angela:

To determine a new trial. I mean I was just there

Rigle:

What was that?

Angela:

Um, I was just in Syracuse yesterday, I came back. We did a press conference yesterday?

Angela:

Um

Rigle:

Uh, I missed that. How did that go over?

Angela:

Well, you know, my sense is I was very candid with the media guy, that people have to live there. Um, and so, you, I'm sure as a member of the community was well as all the other people, and I mean hundreds, um that I have gone to whether they were at the coffeehouse, or the crack house, or the courthouse, um all have said without a doubt no matter what race, no matter what status that they believed Wallie Howard was set up to be killed.

Goldberg:

And if you put those rumors in this perspective there is some questions that really look like they have to be answered.

Rigle:

Is there, is there any motive for this?

Angela:

(laughs) Um, between my mouth and your ears, yeah, I said it yesterday at the press conference that it was rumored that he was doing double where he was internally. There's two rumors. One is he was doing internal investigation. There was another case of a kid um, I believe he was European um, and had the drugs a key of cocaine did not show up in court at the time of his testimony, when his case went to trial. Um, it got missing out of the lab, and the only people who had access to it were other cops. Allegedly Wallie Howard was um, investigating doing double duty where he was investigating internally as well as, you know, the undercover work that he was doing as well.

Rigle:

I see.

Angela:

That's one story. The other story is, and as a result of that he, he found out, he either knew, um where the cocaine was where the drugs were, or um he found something that he didn't realize he knew, and they got rid of him. The other issue is that he was a dirty cop.

Rigle:

Uh-huh

Angela:

And they got rid of him. But the last doesn't play to me necessarily only because, um

Rigle:

Dirty cops usually don't get rid of dirty cops

Angela:

(laughs) Alright.

Rigle:

You know, it's more of a comradeship than anything

Angela:

Right

Rigle:

I mean can I be quite frank with you, uh, I, I, I don't hold any particular love for this county whatsoever. I mean you know, if things are different here and there's evidence that points to this big difference.

###Goldberg:

Then we also have ~~the ballistic guy~~ whofor the defense. Who has been discredited. His name was Bennett. He has been discredited by MacDonell. By Herb MacDonell.

Rigle:

Ok.

Goldberg:

And I've got a letter from Herb, basically

Rigle: But Herb does mostly uh, spatter, doesn't he?

Goldberg: Right. But this, Herb is on Bennett's resume as his mentor.

Rigle: Right

Goldberg: So they went down to depose him and he sent me back this letter. Someone in another case was deposing him and he sent Bennett a letter, basically saying I can't let this go on your not now, nor have you ever been anything in the way of a forensic scientist. How can you call yourself a crime scene analyst? And, they've got him in over forty cases,

Rigle: uh, uh

Goldberg: where he testified and he has no credentials. He testified he had a bachelors degree. He never had one. He testified he took forensic training. He never had any.

Rigle: Uh

Goldberg: He was a monitor in a class for MacDonell at one point, even the school we checked, refuses to acknowledge he was ever there.

Angela: I mean, I mean I called Elmira College and they said that they didn't have him. I called the alumni department and she said, "No, no, no." I told her the date, I told her the name.

Goldberg: And it's only Herb MacDonell that talks about him. And when I go a hold of Herb. I got the letter from Herb. I sent that to the courts.

Angela: So, and he was paid by the defense team to

Goldberg: Committed a fraud on the court. He was paid by the court.

Angela: He reviewed everything. Your autopsy report. They sent down all of the uh, a lot of the raw data that was available at the time.

Goldberg: No training at all, for nothing.

Rigle: It sounds like the Warren Commission almost.

Goldberg: Well, this is the problem.

Rigle: Yeah.

Angela: In addition, when I talked to Kate Rosenthal, who was one of the trial attorneys,

Goldberg: What I say to you is, "Be skeptical. The more skeptical you are, the more you realize what I'm telling you is right.

Rigle: Uh, Uh

Angela: Um, she said that they didn't get his report because she didn't believe he ever gave a report because they didn't, his finding agreed with the police.

Goldberg: She agreed with him.

Angela: So that's how they built their case defense.

Goldberg: And he was a fallen deputy sheriff's guy. That was the story on the guy.

Angela: But, uh, I was interest Dr. Rigle, I, um, I think you got cut off.

Goldberg: Sorry.

Angela: It's quite alright, um, you were saying that you didn't have any love, and by the way I've read some of the articles at the library um, regarding some of the shake up at the, uh, through out the county.

Rigle: Oh, yeah, I mean Dr. Sawyer who worked in the laboratory here, he and I literally turned this county upside down. I mean, we, you know, the medical examiner they had out here was doing everything from boiling body parts in the parking lot to stealing

Case 5:00-cv-00848-DWM Document 138 Filed 05/06/03 Page 13 of 17
bodies to, uh, uh, to carrying, I mean he did everything under the sun. He was, uh, illegally storing, um, chemicals. He was uh, he was treating, uh, uh, alcohol in it, was, was pharmaceutical grade, actually ethical and for uh, for uh, office equipment. I mean he, he was turned, my colleague and I turned him into everybody from Firearms, Alcohol & Tobacco, to uh, the health department, to the state, and uh, there's there's a consent order that the county got it signed agreeing that he never work in this, uh county again, this state again.

Angela: Um

Rigle: And uh, since then he's moved out to Topeka, Kansas and uh, up until today I get calls from the Death Penalty Descent Unit, uh, asking me to come down there and testify about cases where he plays, uh judge, jury and executioner.

Angela: Wow

Rigle: So he was. He was a real mess. I mean he uh, he violated probably every ethical standard possible for a, for a, medical examiner.

Goldberg: Let me ask you this, "Are you adverse to being deposed?" After we get you the photographs?

Rigle: No, no,

Goldberg: Thank you.

Rigle: No, I have of, I mean of, um. The truth is the truth. I mean uh

Goldberg: I appreciated it.

Angela: Um, you should also know that I sat with Mary Jembelic for about six hours.

Goldberg: I sent her up to Mary.

Rigle: How did that work out?

Angela: Um, she was very nice to me um, personally. She was very personable. Um, and she, of course I'm not uh trained in the uh medical field. So she entertained my elementary questions and explained to me, so as I've heard you all talk, uh, some of this, um is familiar to me. I also, we reviewed the few photos she had readily available to her. I think the file was actually out in storage or something that she said and uh, but she was able to pull something. We must have sat for about six or eight hours and uh, eventually we reviewed um, some photos. There were no photos of the head. No internal uh, photos of the I guess, only because I've seen Dr. Goldberg's photos of other uh, autopsies, where you peel everything open and you see it. There were no photos of that nature at all. There were only photos of Howard um, and all of his epidermis was in tact. Um, there were photos of um, his head, uh, with all hair on it and then there, and you could see the gun shot wound. And hum, there were photos were they shaved, where you, I guess shaved the area where the gun shot wound was. There was a photo of the bullet, um, I saw the, it looked mushroomed to me, but maybe I don't know what a mushroom looks.

Rigle: It may. I haven't seen the thing in a long time and I've seen a lot of bullets since then.

Angela: Laughs. I could imagine. What I remember I think it looked more like an atomic bomb kind-of-thing. You know, how the cloud

Rigle: Yeah, that's pretty typical for how a jacketed bullet splits up.

Angela: Ok. Um, and I saw the, um the core and the small fragment. And that was about it. There weren't any other photos.

Rigle: You mean the, the uh, copper colored part was mushroomed. The jacket.

Angela: Now that I don't remember.

Goldberg: Well what like a mushroom to you?

Angela: There was a large piece that looked like a mushroom.

Goldberg: What color was it?

Angela: Brown, metal, metal

Goldberg: Yeah, but you just said brown

Angela: Well, like blackish, ~~ish~~

Rigle: Like a dental filling?

Angela: I'm sorry?

Rigle: Like a dental filling?

Angela: Yeah, Yeah,

Rigle: Well that would be the core, don't you think?"

Goldberg: Could be. If you said brown, that may could be a coppered jacket with a little oxide on it.

Rigle: Right.

Angela: Ok, you guys, know that I know absolutely nothing

Goldberg: Right

Angela: So don't take anything I say.

Rigle: There should be internal head shots and that on a case like this I would have taken internal head shots.

Angela: There were no, because even Dr. Jembellic said we really need to see that internal shot. She called over to the hospital to have them pull their, see if they could get their x-rays quicker, um, but I didn't see them prior to, I mean while I was there. Now afterwards, we, uh, Dr. Goldberg asked her for a report and she did send us a report saying that she had reviewed um, the autopsy and she concluded in fact that um, it, it happened the way it did. That your autopsy was legitimate, that there was nothing in it that, you know that after she reviewed the files, there was nothing, no discrepancy.

Rigle: I of course I did not make a determination as to where the shooter was and things like that, that was not apart of what I did.

Angela: No there was nothing there.

Rigle: It's very easy for her to legitimize my autopsy at the same time, uh, not develop any theories that's contrary to what's being put forth.

Goldberg: Right

Angela: Right, Right. But I'm going I'll give her credit, because in the beginning she would say stuff like me, say, ~~say stuff to me like,~~ 'We'll, you know, who's the mother, should we exhume the body?' 'Would she, do you think she, you know, be willing to do that,' and you know, and then she would say, 'Well, that doesn't matter anyway, because I guess I could,' you know.

Rigle: I don't know, how would an exhumation help?

Angela: Well I guess the question is, 'Where did that bullet come, who, what kind of gun to trace.

Goldberg: You need the bullet.

Angela: To trace

Goldberg: There was a point in time when we thought the bullet the bullet was left in the skull. Some things had occurred. Things didn't look right and now that we've talked with you it's obviously not there. At this point that's what Jembellic was trying to say. She was offering Angela you know, the breath of her office and from that point on it's really not required.

Angela: Yeah, and so, I didn't um, she seemed pretty cordial

Goldberg: You spend six hours reviewing somebody else's file, that's cordial.

Rigle: Yeah, Yeah, especially yeah. What about this, uh did she, did she, comment at all on this diagram of the shooting.

Goldberg: I don't think she touched it, other than saying, "Yeah it's consistent." Didn't want to get into it any further. I wouldn't either, given her position.

Angela: Yeah, I um, um, I think later she um I don't know necessary, where was she, was she arc when Howard got killed?

Rigle: No, No, she was some, I think she was training in Chicago

Angela: Yeah, that makes sense to me then because I was really surprised that she opened up the office and the files and you know walked me step-by-step. We went through every page, all the testimonies, I mean just everything.

Rigle: Yeah, then after that there was a guy name Mitchell who is now out I believe he's Seattle.

Angela: Yeah, I think I read that

Rigle: Yeah, Yeah, he's actually a very good pathologic. He just didn't fit in too well with the county here.

Angela: Hum, ok. Well, I guess I'd just like to say, I really thank you for your time, um, if you need anything else from us

Goldberg: You're going to get him the picture,

Angela: Yeah

Goldberg: You're going go back and we've going to depose him, according to this point. I think that's the way it appears to be going. Yes.

Angela: Yes

Goldberg: Ok.

Angela: Do you have any questions for, for me?

Rigle: Uh, not really.

Angela: Ok.

Rigle: I think I can understand your concern here.

Goldberg: You know, if it turns out these kids are guilty, let's hang them all. But if it turns out that there's a situation here where somebody really isn't guilty, far as I'm concerned, need to fight for it. And all I want to do is make sure that its all there and its right, and it doesn't appear to be right, right now, just that simple.

Angela: And that's pretty much our concern as well.

Rigle: Uh-huh, well, yep, based on this diagram, uh, yeah,

Angela: And yeah, and that diagram, even if it doesn't do anything medically, or hold water otherwise, it just says to me that people knew. The media knows, um, and its just a part of the continual kind of cover-up um, around this and the fact that they named buildings after Howard and you know, renamed all this stuff, and scholarships, and this and that, police officers die often, um.

Goldberg: There are some things here, they claim he's a federal agent but he never got any federal pension. A lot of things in this just done for the purpose of prosecution.

Rigle: Yeah, I mean, this was the first cop in Syracuse shot like in fifty or sixty years I think.

Goldberg: Understood

Angela: Yeah, I agree with that, but, you know, I'm going to tell you Dr. Rigle the thing that really go me was, I had perpetrators there side of the story. And then, I had kind of, I mean, things just weren't clear to me. So, I literally, one evening, I hopped on a plan and went to Syracuse. I didn't know a single person in Syracuse. I went door to door. I talked to people and everybody's story was the same. Wallie Howard was set-up and he was killed. Wallie Howard was assassinated. Wallie Howard was a dirty cop. Wallie Howard, um was a stupid cop. Um, from the little old lady in church, it didn't matter. The other thing what was interesting about the medical part of this is that we only got your report less than a year ago.

Goldberg: Why would they hide your report from anyone asking?

Rigle: Excuse me?

Goldberg: They hid your report for almost ten years,

Rigle: Wow.

Angela: And it never it never went back with the jury, uh in the federal trial. It, it, it did in the grand jury, they used it. But when it came to actually the exhibits, it never showed up on their list of exhibits.

Rigle: Grand jury is not much more than a lynch mob anyway.

Angela: Laughs

Goldberg: Right

Angela: Exactly

Goldberg: And they did some other things. They hid this report to the point where they thought it was no longer appealable. They thought all the, all the statutes of limitations would run out and they let it go. And if Angela hadn't gotten the stuff after how many years? Eight, nine?

Angela: Yeah, nine years.

Goldberg: After nine years we wouldn't be talking about it now.

Angela: And I think it's was accidental. There was just, I mean I really think it was just accidental that we got our hands on it.

Rigle: Yeah, yeah, I mean, uh, I don't, I don't ever remember ever seeing this diagram in the paper here, uh, but another thing here that's off a lot, you know, the radio -battery's dead. One of the back-ups you know

Angela: (laughs)

Goldberg: Yes

Angela: And we still have no gotten a copy of the tape to this day.

Goldberg: And you notice that the last thing we were talking about about that kel tape where they talk about the fact that they killed him. And make sure he's dead. Now that's a cop talking.

Rigle: Well, make sure he's dead could be

Goldberg: Agreed

Rigle: sort of

Angela: No, tires screeching, they had already left the scene. They were fleeing

Rigle: Run that by me again.

Angela: When you, when you look at it, and they're several copies, but um,

Rigle: There are several different versions

Angela: Yeah (laughs), um, the sound of the car door opening

Rigle: Uh-huh

Angela: Um, "What's up fucker, what's the fuck up Howard's radio

Rigle: Sue, "Where's that transcript. Show me that transcript."

###End of Tape##

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Interview and Cassette Tape has been made by first class United States postage upon all parties this the 5th day of May, 2003, by US Express mailing One copy to US District Court, Judge Neal P. McCurn, PO Box 7365, 100 South Clinton Street, Syracuse, New York 13261, and one copy as follows:

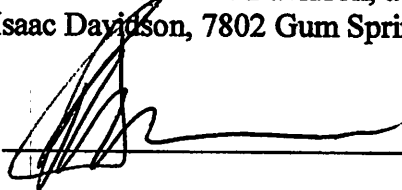
*Jaime A. Davidson
37593-053
PO Box 2099
Pollock, Louisiana 71467
(Pro Se Counsel)

And

John G. Duncan, Esquire
Executive A.U.S.A.
PO Box 7198
100 Clinton Street
Syracuse, New York 13261-7198

Executed on this 5th day of May, 2003.

*Please note due to US Penitentiary Rules, Only the Interview Transcript could be received by Davidson; therefore instead of sending said cassette to Jaime A. Davidson, a copy of the cassette tape and transcript was submitted to, Major Isaac Davidson, 7802 Gum Springs Village Drive, Alexandria, Virginia 22306.


Angela E. Brown
917 Oglethorpe Avenue, SW
Atlanta, Georgia 30310
(404) 752-8275